

Senate Bill 26

By: Senators Cagle of the 49th, Bulloch of the 11th, Stephens of the 27th and Pearson of the 51st

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 41-1-7 of the Official Code of Georgia Annotated, relating to treatment of agricultural facilities and operations and forest land as nuisances, so as to provide for legislative declarations; to define a term; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 41-1-7 of the Official Code of Georgia Annotated, relating to treatment of agricultural facilities and operations and forest land as nuisances, is amended by striking subsection (a) and inserting in lieu thereof the following:

"(a) It is the declared policy of the state to conserve, protect, and encourage the development and improvement of its agricultural and forest land and facilities for the production or distribution of food and other agricultural products, including without limitation forest products. When nonagricultural land uses extend into agricultural or agriculture-supporting industrial or commercial areas or forest land or when there are changed conditions in or around the locality of an agricultural facility or agricultural support facility, such operations often become the subject of nuisance actions. As a result, such facilities are sometimes forced to cease operations. Many others are discouraged from making investments in agricultural support facilities or farm improvements or adopting new related technology or methods. It is the purpose of this Code section to reduce losses of the state's agricultural and forest land resources and facilities by limiting the circumstances under which agricultural facilities and operations or agricultural support facilities may be deemed to be a nuisance."

SECTION 2.

Said Code section is further amended by striking paragraph (2) of subsection (b) and inserting in lieu thereof the following:

“(2) 'Agricultural facility' includes, but is not limited to, any land, building, structure, pond, impoundment, appurtenance, machinery, or equipment which is used for the commercial production or processing of crops, livestock, animals, poultry, poultry by-products, meat by-products, honeybees, honeybee products, livestock products, poultry products, timber, forest products, or products which are used in commercial aquaculture. Such term shall also include any farm labor camp or facilities for migrant farm workers.”

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.